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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) <span style="font-size: 1.2em;">MX1C 1553-3</span>							
<p><i>faxed</i></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(a))  <span style="font-size: 1.2em;">c 571-273-8300</span>  on <span style="font-size: 1.2em;">5 June 2006</span></p> <p>Signature <u><i>Diane Bergin</i></u></p> <p>Typed or printed name <u>Diane Bergin</u></p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Application Number <span style="font-size: 1.2em;">10/642,249</span></td> <td style="padding: 5px;">Filed <span style="font-size: 1.2em;">15 AUG 2003</span></td> </tr> <tr> <td colspan="2" style="padding: 5px;">First Named Inventor <span style="font-size: 1.2em;">Chih Chieh Yeh</span></td> </tr> <tr> <td style="padding: 5px;">Art Unit <span style="font-size: 1.2em;">2811</span></td> <td style="padding: 5px;">Examiner <span style="font-size: 1.2em;">D.W. Owens</span></td> </tr> </table>		Application Number <span style="font-size: 1.2em;">10/642,249</span>	Filed <span style="font-size: 1.2em;">15 AUG 2003</span>	First Named Inventor <span style="font-size: 1.2em;">Chih Chieh Yeh</span>		Art Unit <span style="font-size: 1.2em;">2811</span>	Examiner <span style="font-size: 1.2em;">D.W. Owens</span>
Application Number <span style="font-size: 1.2em;">10/642,249</span>	Filed <span style="font-size: 1.2em;">15 AUG 2003</span>								
First Named Inventor <span style="font-size: 1.2em;">Chih Chieh Yeh</span>									
Art Unit <span style="font-size: 1.2em;">2811</span>	Examiner <span style="font-size: 1.2em;">D.W. Owens</span>								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).  Note: No more than five (5) pages may be provided.</p>									
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest.  See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.  Registration number <span style="font-size: 1.2em;">30,846</span></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.  Registration number if acting under 37 CFR 1.34 _____</p>		<p style="text-align: center;"><u><i>Mark A. Haynes</i></u> Signature</p> <p style="text-align: center;"><u>Mark A. Haynes</u> Typed or printed name</p> <p style="text-align: center;"><u>650.712.0340</u> Telephone number</p> <p style="text-align: center;"><u>5 June 2006</u> Date</p>							
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>									
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>									

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Application No. 10/642,249

MXIC 1553-3  
(P920080US2)

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to MAIL STOP AF, United States Patent and Trademark Office, at Fax No. 571.273.8300 on 05 JUNE 2006.

  
Diane Bergin

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of Inventors:  
**Chih Chieh Yeh et al.**

Application No.: **10/642,249**

Filed: **15 August 2003**

Title: **Method for Programming  
Programmable Eraseless Memory**

Examiner: **Douglas W. Owens**

Group Art Unit: **2811**

Confirm. No.: **1545**

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Applicants request a pre-appeal brief review because of clear errors in the examiner's rejections. Applicant notes that the status of this application in public PAIR reads "allowance counted." However, there is no notice of allowance in the file wrapper and applicant has not received a notice of allowance.

In the present application, claims 30 and 32 are rejected as anticipated by Ohno. All other claims are either allowed or objected to because they depend from claim 30 but otherwise would be allowable.

Applicant has pointed out that Ohno does not anticipate claims 30 and 32 in the response filed 3 October 2005 at pages 2-3, and in the after final response dated 2 February 2006 at page 2. At this point, no advisory action has been mailed.

Application No. 10/642,249

MXIC 1553-3  
(P920080US2)

The Examiner has identified the phase calibrator 50 of Ohno as the element of claim 30 which reads "changing the reference level after storing data in the memory." This is a clear mistake. See, response dated 2 February 2006, page 2.

Claim 30 reads:

30. A method for resetting data stored in a memory array, where data in the memory array is stored by setting a property of memory cells in the array, said property resulting in a value for a signal produced to sense the data having a level above or below a reference level to indicate a data value, comprising:  
changing the reference level after storing data in the array.

Applicant has pointed out that the phase calibrator of Ohno is not related to resetting data in a memory. Rather it is related to adjusting the reference point frame used in decoding data on a communication line.

The Examiner has taken the position that claim 30 does not require resetting data. However, the claim is a method for resetting data by changing the reference level used for sensing data in the array. Therefore, the Examiner is clearly mistaken.

Claim 32 depends from claim 30 and is not anticipated for at least the same reason.

The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (MXIC 1553-3). A copy of this authorization is enclosed.

Respectfully submitted,  
HAYNES BEFFEL & WOLFELD LLP

Date: 5 June 2006

By:   
Mark A. Haynes, Reg. No. 30,846

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